



PATENT  
Customer No. 22,852  
Attorney Docket No. 9404.0008-05

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Jacques DUBOIS *et al.* ) Group Art Unit: 1614  
)  
Application No.: 10/767,705 ) Examiner: Unknown  
)  
Filed: January 29, 2004 )  
)  
For: METHODS OF USE OF ) Confirmation No.: 5654  
FLUOROQUINOLONE )  
COMPOUNDS AGAINST )  
MAXILLARY SINUS )  
PATHOGENIC BACTERIA )

**MAIL STOP AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for this application. Copies of the non-patent literature documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

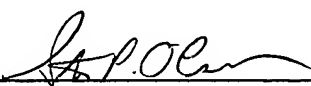
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

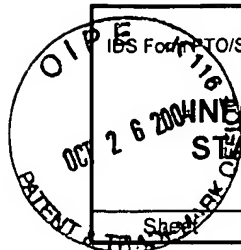
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 26, 2004

By:   
Steven P. O'Connor  
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number	10/767,705
Filing Date	January 29, 2004
First Named Inventor	Jacques DUBOIS et al.
Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	9404.0008-05

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004****FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		DUBOIS <i>et al.</i> , <u>Comparative <i>in vitro</i> activity and post-antibiotic effect of gemifloxacin against <i>Legionella</i> spp.</u> , Journal of Antimicrobial Chemotherapy, Vol. 45, Suppl. S1, pages 41-46 (2000)	
		ERWIN <i>et al.</i> , <u>Studies to Establish Quality Control Ranges for SB-265805 (LB20304) When Using National Committee for Clinical Laboratory Standards Antimicrobial Susceptibility Test Methods</u> , Journal of Clinical Microbiology, Vol. 37, No. 1, pages 279-280 (January 1999)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.